

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SCOTT JOHNSON,
Plaintiff,
v.
J XAVIER SANCHEZ,
Defendant.

Case No. [20-cv-08078-EJD](#)

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED**

Plaintiff Scott Johnson filed the present action on November 17, 2020. Dkt. No. 1. Pursuant to General Order 56 and the parties' stipulation, the last day to conduct a joint site inspection was February 25, 2021. Dkt. No. 14. On April 1, 2021 the Court granted the parties' stipulation to extend the deadline to file a notice of need for mediation. *See* Dkt. Nos. 17, 18. Plaintiff's last day to file a notice of need for mediation was April 19, 2021. Dkt. No. 18. Plaintiff did not file a notice of need for mediation, nor did Plaintiff seek relief from the April 19, 2021 deadline.

The Court possesses the inherent power to dismiss an action sua sponte "to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962). Plaintiff is directed to file a written response to this order by **July 26, 2021** and to appear before the Court on **August 5, 2021, at 10:00 a.m.** and show cause why this action should not be dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). If Plaintiff fails to file a written response by the above deadline, the Court will dismiss the

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OSC WHY ACTION SHOULD NOT BE DISMISSED

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action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Dated: 7/13/2021



EDWARD J. DAVILA
United States District Judge